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~~DAC~~  
LOUIS E. MARN

CLIFFORD G. FRAYNE  
of counsel

February 2, 2001

BOX DAC  
Assistant Commissioner of  
Patents  
Washington, D.C. 20231

Att: Ed Westin

RE: Serial No. 09/577,854 In the Name of Burlando;  
Petition to Make Special

Dear Sir:

Enclosed please find a Supplemental Declaration in support of a Petition to Make Special. A copy of this Supplemental Declaration was faxed to Examiner Westin on February 2, 2001, and what is contained herein is a hard copy.

Also enclosed is a self-addressed, stamped post card. Kindly acknowledge receipt of this Supplemental Declaration by stamping same "Filed" and returning it to the undersigned.

Respectfully,

MARN & ASSOCIATES

  
CLIFFORD G. FRAYNE

CGF/gmg  
Enclosures

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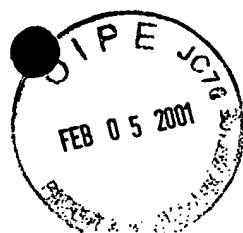
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OFFICE OF PETITIONS

APPLICANT : ALBERT A. BURLANDO  
SERIAL NUMBER : 09/577,854  
FILED : JUNE 15, 2000 BASED UPON A PROVISIONAL  
FILING DATE OF JUNE 25, 1999  
FOR : REFLECTIVE WARNING AND LOCATOR COLLAR  
FOR HYDRANTS, PYLONS AND SUPPORT POSTS  
ART UNIT :  
EXAMINER :

SUPPLEMENTAL DECLARATION OF CLIFFORD G. FRAYNE

TO: ASSISTANT COMMISSIONER OF  
PATENTS & TRADEMARKS  
WASHINGTON DC 20231

SIR:

1. I am the attorney representing the inventor in the above identified patent application directed towards a Reflective Warning and Locator Collor for Hydrants, Pylons and Support Posts.

2. The Vertified Statement of the inventor was submitted in support of a Petition to Make Special and was filed on November 17, 2000. The reason for requesting the Petition to Make Special was the existence of an alleged infringer should the claims become allowed. The alleged infringer is a direct competitor of the

Applicant's company and is aware that Applicant has a pending patent application.

3. The undersigned as counsel for the Applicant has viewed the competitors product and a rigid comparison of the alleged infringing device with the claims of the application has been made and in the undersigned's opinion, some of the claims of Applicant's application are unquestionably infringed if the claims are allowed.

4. At the request of the Applicant, the undersigned engaged a patent search firm in Arlington, Virginia, which the undersigned has utilized for the past 25 years, and had caused to be made a careful and thorough search of the prior art, the results of the search having been submitted with the original Petition to Make Special in November, 2000.

5. The Applicant in his Verified Statement submitted with the original Petition to Make Special identified the closest prior art and differentiated it from the structure as claimed by Applicant.

6. The undersigned would reiterate the comments of the Applicant as found in paragraphs 10 through 17 of the Verified Statement of Applicant.

7. I further declare that all statements made herein of my


own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

ALBERT A. BURLANDO - Applicant

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By:

 2/2/01  
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